REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-6 and 9 are pending in the application. No claim amendments are presented, thus, no new matter is added.

In the Final Office Action, Claims 1-6 and 9 are rejected under 35 U.S.C. § 102(e) as anticipated by Garrity et al. (U.S. Pat. 6,230,205, Garrity). Applicants respectfully traverse this rejection, as independent Claims 1, 5, 6 and 9 recite novel features clearly not taught or rendered obvious by the applied reference.

Independent Claim 1 relates to a content distribution method for making a reservation via an open network to a reservation control apparatus for the use of a distribution server that receives content sent from a distributor terminal apparatus via a dedicated network and carries out stream distribution of the content to a client terminal apparatus via the open network. The method includes sending the content from the distributor terminal apparatus to the distribution server based on the reservation and thereby carrying out content distribution. More specifically, the method comprises, in part

> a reservation requesting step of sending, by the distributor terminal apparatus, reservation request information ... from said distributor terminal apparatus to said reservation control apparatus ***via the open network***;
>
> a content transmitting step of transmitting ... the content from said distributor terminal apparatus to said distribution server ***via the dedicated network*** to carry out a content distribution based on said accepted reservation....
>
> a distributing step of carrying out a stream distribution... of the content sent from said distributor terminal apparatus from said distribution server to said client terminal apparatus ***via the open network.***

Independent Claims 5, 6 and 9, while directed to alternative embodiments, recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1, 5, 6 and 9.

As depicted in an exemplary embodiment at Fig. 1 of the specification, the distributor terminal apparatus (e.g. user PC 106) requests a reservation to use the distribution server (e.g. streaming server 102) via an open network (e.g. Internet 103). Then, when the distributor terminal apparatus (e.g. user PC 106) transmits content to the distribution server for broadcast, the data is transmitted through a dedicated network connection (e.g. dedicated server connection network 108). Finally, when the content is distributed by the distribution server (e.g. streaming server 102), the content is distributed via the open network (e.g. Internet 103).

Turning to the applied reference, Garrity describes a method for managing the delivery of a data in a communication system. Specifically, Fig. 1 and col. 3, ll. 33-50 of Garrity describes that a plurality of content providers 102-106 transmit data, or content, to target users 108-134 via an operation center 136. As described at col. 3, l. 58 - col. 4, l. 13, the operation center 136 functions as a scheduler 210, video server 208 and gateway to send data from the content providers to the target users.

Garrity, however, fails to teach or suggest "sending, by the distributor terminal apparatus, reservation request information ... from said distributor terminal apparatus to said reservation control apparatus ***via the open network***... transmitting ... the content from said distributor terminal apparatus to said distribution server ***via the dedicated network***....[and] carrying out a stream distribution... from said distribution server to said client terminal apparatus ***via the open network***," as recited in independent Claim 1.

In rebutting the previously presented arguments regarding the use of the open and dedicated networks, the "Response to Arguments" portion of the Office Action cites the Operation Center (OC) 200 of Garrity shown in Fig. 2, and asserts that selected components inside the OC correspond to portions of both open and dedicated networks. Many of the components cited in the Office Action, however, define internal connection in the OC, and

are not networks that carry out communications between a terminal apparatus, distribution server and client terminal apparatuses, as claimed. Instead, the networks in Garrity should only be fairly construed as the networks over which data is transmitted (e.g., network 138, cable network 140, LAN 142, etc.) and not the internal components of the OC. Therefore, Applicants respectfully traverse the outstanding rejection at least on these grounds.

Moreover, Figs. 1 and 2 of Garrity clearly show that each of the content providers 102-106 schedule data transmission with the operations center 136 via the network 138. Garrity, at col. 3, ll. 42-44, further describes that the content transmitted from each of content providers 102-106 to the operations center 138 is also transmitted via the network 138. However, when the OC 200 transmits data to the users, this transmission is performed using a Data Network 234, ASkyB Uplink 224, FSS Uplink 226 or Internet 228. Therefore, the network used to transmit reservation data and content data from the content providers 102-106 to the OC 200 is the same network 138. However, the various networks by which the OC transmits data to the users 108-134 are not the same network used by the content providers to transmit reservation data to the OC 200.

Such a configuration is in clear contrast to Claim 1, which recites "sending, by the distributor terminal apparatus, reservation request information ... from said distributor terminal apparatus to said reservation control apparatus ***via the open network***... [and] carrying out a stream distribution... from said distribution server to said client terminal apparatus ***via the open network***." Therefore, by virtue of antecedent basis, regardless of the network type, Claim 1 unequivocally recites that ***the*** [same] ***open network*** (i.e. Internet 103) is used both to transmit reservation information from the distributor terminal apparatus to the reservation control apparatus and transmit the stream distribution from the distribution server to the client terminal apparatus.

This is not the case in Garrity. Garrity clearly defines that the file output gateway 212, session information gateway 214, etc., as well as the various downstream components are all classified as output gateways 205 or uplink gateways 207. On the other hand the reservation information is received via the input gateways 201. Therefore, even if the internal components of the OC 200 are considered part of the networks to which the device is connected, reservation information from the content providers 102-106 is not received over the same network by which content data is transmitted to users.

Garrity, therefore, fails to teach or suggest "sending, by the distributor terminal apparatus, reservation request information ... from said distributor terminal apparatus to said reservation control apparatus ***via the open network***... transmitting ... the content from said distributor terminal apparatus to said distribution server ***via the dedicated network***....[and] carrying out a stream distribution... from said distribution server to said client terminal apparatus ***via the open network***," as recited in independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and Claims 2-4 which depend therefrom) under 35 U.S.C. § 102(e) be withdrawn. For substantially similar reasons, it is also submitted that independent Claims 5, 8 and 9 also patentably define over Garrity.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-6 and 9 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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